

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LANCE KELLY,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS
“D.O.C.”,

Defendant.

19-CV-9332 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff Lance Kelly, currently incarcerated in the Robert N. Davoren Complex on Rikers Island, brings this action *pro se*. Plaintiff submitted the complaint without a signature. Plaintiff also failed to submit the filing fees or a completed request to proceed *in forma pauperis* (IFP) and a prisoner authorization form.

By order dated October 10, 2019, the Court directed Plaintiff to complete, sign, and submit the attached declaration indicating that he read the complaint and is the plaintiff in this action, and to either pay the \$400.00 in fees or complete, sign, and submit the attached IFP application and prisoner authorization form within thirty days. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed a declaration and an IFP application and prisoner authorization or paid the filing fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 21, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge